

03-10-09



Docket No.: DAMADIAN 3.7-114C1-¹⁷ ^{Box M} ^{DAC}
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2009 MAR 12 PM 3:05

In re Letters Patent of: :
Ginzburg et al. :
 :
Patent No.: 6,817,866 :
 :
Issued: November 16, 2004 :
 :
For: MOBILE MRI SYSTEM AND METHOD OF :
PROMOTING USE OF MRI SYSTEM :

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OFFICE OF PETITIONS

**COMMUNICATION ENCLOSING PETITION
TO ACCEPT UNINTENTIONALLY DELAYED
PAYMENT OF PATENT MAINTENANCE FEE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

The present Communication encloses a Petition Under 37 C.F.R. §1.378(c) to accept an unintentionally delayed maintenance fee payment for U.S. Patent No. 6,817,866 (see "Exhibit 1").

Applicants submitted the then due maintenance fee on November 17, 2008 (the expiration date), to the United States Patent and Trademark's offices in Pittsburgh, PA, as indicated in the attached Exhibit 2. However, the fee payment materials were returned as not deliverable, because unbeknownst to Applicants the PTO was no longer accepting maintenance fee payments at that address. Applicants hereby resubmit the maintenance fees due as indicated in the attached petition and respectfully submits that any delay in paying the maintenance fee was unintentional.

Enclosed please find two checks (\$1,110.00 and \$1,510.00) totaling \$2,620.00 for the maintenance fee and additional fees now due.

Dated: *March 9, 2009*

Respectfully submitted,

By *Anthony Giambalvo*

Dr. Anthony Giambalvo
Senior Vice President
Fonar Corporation

EXHIBIT 1



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))	Docket Number (Optional) DAMADIAN 3.7-114C1
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Mail to: MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,817,866 Application Number 09/717,382
Issue Date November 16, 2004 Filing Date November 22, 2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

- ☐ is a reissue of original Patent No. _____, original issue date _____ ;
original application number _____,
original filing date _____.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international
application _____ filed on _____.

03/10/2009 NNGUYEN1 00000056 6817866
01 FC:1599 2620.00 CP

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: _____ Signature: _____ (Anthony Giambalvo)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980.00	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.SURCHARGE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

☒ Enclosed are two checks for the sum of \$ 2,620.00.☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____. A duplicate copy of this authorization is attached.

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7. OVERPAYMENT

As to any overpayment made please

☐

Credit to Deposit Account No. _____

OR

☒

Send refund check.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE
ACCEPTED AND THE PATENT REINSTATED.Anthony Giambalvo

Signature(s) of Petitioner(s)

March 9, 2009

Date

Anthony Giambalvo

Typed or printed name(s)

Registration Number, if applicable

631-694-2929

Telephone Number

Fonar Corporation
110 Marcus Drive
Melville, NY 11747-4292

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

☒

Maintenance Fee payment

☒

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐

EXHIBIT 2

FONAR CORPORATION

(631) 694-2929

FAX No. 631-249-3734
http://www.fonar.com

110 Marcus Drive
Melville, New York 11747-4292



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November 17, 2008

OFFICE OF PETITIONS

United States Patent and Trademark Office
P. O. Box 371611
Pittsburgh, PA 15250-1611

Dear Sirs:

Please acknowledge receipt of Maintenance Fee Transmittal form and Check No. 10308 for \$1,110.00 regarding the following patents:

	<u>ISSUE DATE</u>
6,817,866	11/16/04

Please stamp or sign and date this page and return it to me in the self-addressed stamped envelope enclosed for your convenience.

Very truly yours,

Anthony Giambalvo, Ph.D.
Senior Vice President

Enclosures

I hereby certify that this correspondence is being deposited with the U. S. Postal Service as Express Mail # EM151588708 US on November 17, 2008 in an envelope addressed to United States Patent and Trademark Office, P. O. Box 371611, Pittsburgh, PA 15250-1611.

Anthony Giambalvo

G-175

MAINTENANCE FEE TRANSMITTAL FORM

Address to:
Commissioner of Patents and Trademarks
Box M. Fee
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Box M. Fee, Washington, D.C. 20231" on November 17, 2008

Name of person signing Anthony Giambalvo

Signature Anthony Giambalvo

MAR 19 2009

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

OFFICE OF PETITIONS

1. ☒ A check for the amount of \$ 1,110 for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☐ The Commissioner is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____
3. ☐ The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. _____

*Information required by 37 CFR 1.366(c)(columns 1 & 5). Information requested under 37 CFR 1.368(d) (columns 2-4 & 6-9)

Item	Patent Number* 1	Fee Code 2	Maintenance Fee Amount 3	Surcharge Amount 4	U.S. Serial Number* 5 [06/555/555]	Patent Date 6 mm/dd/yy	Application Filing Date 7 mm/dd/yy	Payment Year 8	Small Entity? 9
1	6,817,866	1551/ 1554	980	130	09/717,382	11/16/04	11/22/00	4	NO
2									
3									
4									
5									
6									
7									
8									
Sub-totals—Columns 3 & 4			980	130					
Total Payment			1,110		Use additional sheets for listing additional patents.				

(For Office Accounting Use Only)

*Respectfully submitted:

Anthony Giambalvo

(Payor's name)

Anthony Giambalvo

(Payor's signature)

631-694-2929

(Payor's telephone number)

PAYOR'S NUMBER (if assigned) _____

FEE ADDRESS _____

Anthony Giambalvo

Fonar Corporation

110 Marcus Drive

Melville, NY 11747

Note: All correspondence will be forwarded to the "Fee Address" or the "Correspondence Address" if no "Fee Address" has been provided. 37 CFR 1.363

* (WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, FORM PTO-1538 SHOULD REFLECT BOTH THE PAYOR'S NAME AND SIGNATURE IN THE BOTTOM LEFT CORNER THEREOF)

FONAR CORPORATION
OPERATING ACCOUNT
110 MARCUS DRIVE
MELVILLE, NY 11747

10308

Capital One Bank
Capital One, N.A.

50-791-214

PAY *One thousand one hundred ten dollars & zero cents*

AMOUNT
\$1110.00

DATE
11/14/08

TO
THE
ORDER
OF

Director of Patents & Trademarks

Raymond Davidson

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECTLY PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.
DELUXE BUSINESS FORMS 1-800-328-0304 www.deluxeforms.com

DELUXE - FORM TWCG-2 V-3

FONAR CORPORATION

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DEDUCTIONS		NET AMOUNT
				PARTICULARS	AMOUNT	
		Maintenance fee 66r USPN 6817866				



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11/11/2008

When used internationally
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(PS Form 2976, or 2976A)



Addressee Copy
Lated 11 P, April 2004

Post Office To Addressee

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Day of Delivery	Time	Delivery Attempt	Time
<input type="checkbox"/> Next <input type="checkbox"/> End <input type="checkbox"/> End of Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> AM <input type="checkbox"/> PM
Month	Day	Month	Day
Year	Year	Year	Year
Postage	Postage	Postage	Postage
Insurance	Insurance	Insurance	Insurance
Signature	Signature	Signature	Signature
Signature	Signature	Signature	Signature
Signature	Signature	Signature	Signature

TO: *United States Patent and Trademark Office*
P.O. Box 11747
Richmond, VA 23211

FROM: *Anthony Gimbardo*
Power Corporation
110 Marcus Drive
Richmond, VA 23211

Visit us at usps.com or Call 1-800-222-1811

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